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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,844	11/28/2001	Per-Olof Brandt	032927-025	8450

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EXAMINER

NGUYEN, LINH V

ART UNIT

PAPER NUMBER

2819

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,844

Applicant(s)

BRANDT, PER-OLOF

Examiner

Linh V. Nguyen

Art Unit

2819

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-17 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 02/13/03, have been fully considered but they are not persuasive.

With respect to claim 1, under Request For Reconsideration Applicant's argued that the coupler of Ho is not capable of coupling differential radio frequencies signals.

Examiner respectfully traverses from the following reasons

Even though Ho's, or Seidel's hybrid-coupler does not explicitly disclose capable of coupling differential radio frequencies signals. However the coupler taught by Ho or Seidel is identical to present invention, then the function capable of coupling differential radio frequencies signals may be inherent or intrinsic to the structure. Furthermore, coupling differential radio frequencies signals of the hybrid coupler is only an intended use because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Drawings

2. Figure 1, 3, 5, and 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 3, are rejected under 35 U.S.C. 102(b) as being anticipated by Ho et al. U.S. patent No. 4305043.

Regarding to claim 1, Fig. 1, and 2, Ho et al. disclose a hybrid coupler having four ports and capable of coupling radio frequency signals having a certain frequency from at least one port to at least one other port, characterized in that the hybrid coupler is implemented as a differential coupler arranged to couple differential radio frequency signals; Even though Ho's coupler does not explicitly disclose capable of coupling differential radio frequency signals. However the coupler taught by Ho is identical to present invention, then the function capable of coupling differential radio frequency signals may be inherent or intrinsic to the structure. Furthermore, coupling differential radio frequency signals of the hybrid coupler is only an intended use because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding to claim 2, and 3, Ho et al. further disclose wherein the hybrid coupler, characterized in that the hybrid coupler is implemented in a micro strip line technology.

5. Claims 1, 4 - 7, are rejected under 35 U.S.C. 102(b) as being anticipated by Seidel U.S. patent No. 3911372.

Regarding to claim 1, Fig. 1, Seidel disclose a hybrid coupler having four ports and capable of coupling radio frequency signals having a certain frequency from at least one port to at least one other port, characterized in that the hybrid coupler is implemented as a differential coupler arranged to couple differential radio frequency signals; Even though Seidel's coupler does not explicitly disclose capable of coupling differential radio frequencies signals. However the coupler taught by Seidel is identical to present invention, then the function capable of coupling differential radio frequencies signals may be inherent or intrinsic to the structure. Furthermore, coupling differential radio frequencies signals of the hybrid coupler is only an intended use because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding to claim 4. Seidel further discloses wherein the hybrid coupler, characterized in that it is a 3 dB coupler, such that power of said frequency supplied to one port is split substantially equally between two other ports, while the remaining port is substantially isolated from the other ports.

Regarding to claims 5 and 6, Seidel further discloses wherein hybrid coupler characterized in that it is arranged to split the power between the two other ports in such a way that the signals provided at these ports are either in phase or out of phase with each other (Col. 2 line 68).

Regarding to claim 7, Seidel further discloses wherein the hybrid coupler characterized in that it is a line-coupled hybrid (Fig. 3).

Allowable Subject Matter

6. Claims 8 – 17, are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (703) 305-1934. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Tokar can be reached at (703) 305-3493. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

LVN

May 12, 2003

A handwritten signature in black ink that reads "Michael J. Tokar". The signature is fluid and cursive, with the first name "Michael" and last name "Tokar" clearly legible.

Michael Tokar
Supervisory Patent Examiner
Technology Center 2800